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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/083,453	02/26/2002	William T. Dalebout	13914.380.1.1.1	8307
75	590 09/02/2005	EXAMINER		
WORKMAN, NYDEGGER & SEELEY			RICHMAN, GLENN E	
1000 Eagle Gate Tower			ART UNIT	PAPER NUMBER
60 E. South Temple			ARTONII	PAPER NUMBER
Salt Lake City, UT 84111			3764	

Please find below and/or attached an Office communication concerning this application or proceeding.

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1)⊠ Responsive to communication(s) filed on 17 June 2005. 2a)□ This action is FINAL. 2b)⊠ This action is non-final. 3)□ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4)□ Claim(s) 1-7.9-24 and 26-39 is/are pending in the application. 4a) Of the above claim(s) 1-7.9-19 and 32 is/are withdrawn from consideration. 5)□ Claim(s) 20.22.24.28.3-36.38 and 39 is/are rejected. 7)□ Claim(s) 21.23.26.27.29-31.33.37 is/are objected to. 8)□ Claim(s) 21.23.26.27.29-31.33.37 is/are objected to. Claim(s) 21.23.26.27.29-31.33.37 is/are objected to. Application Papers 9)□ The specification is objected to by the Examiner. 10)□ The drawing(s) filed on is/are: a□ accepted or b)□ objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11)□ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. § 119 12)□ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a)□ All b□ Some * c)□ None of: 1.□ Certified copies of the priority documents have been received in Application No 3.□ Copies of the certified copies of the priority documents have been received in Application No 3.□ Copies of the certified copies of the priority documents have been received in Application No 3.□ Copies of the certified copies of the priority documents have been received in Application No 3.□ Copies of the certified copies of the priority documents have been received in Application No 3.□ Copies of the certified copies of the priority documents have been received in Application Form the International Bureau (PCT Rule 17.2(a))		Application No.	Applicant(s)					
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Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. Estanciase of time may be available used the provisions of 3 FCR 13(8). In no event, howers, may a reply be timely field after Six (b) MONTHS from the mailing date of the communication. **SEARCH SIX (b) MONTHS from the mailing date of the communication after the communication and the provision of 3 FCR 13(8). In no event, howers, may a reply be timely field after Six (b) MONTHS from the mailing date of this communication. **Fallure to neight with the set or elated period for reply with 5 yet abuse, case the application between SARQNDENED (3) U.S.C. § 133). Any reply received by the Office lister than here months after the mailing date of this communication, even if timely field, may reduce any cereard pixels timely deply of the set of the communication. **Status** **INEX** Responsive to communication(s) field on 17. June 2005.** **Sallure** This action is FINAL.** **INEX** This action is FINAL.** **21) This action is non-final.** **3) In action is FINAL.** **21) This action is non-final.** **3) In action is FINAL.** **22) This action is non-final.** **3) In action is FINAL.** **22) This action is non-final.** **3) In action is FINAL.** **22) This action is non-final.** **3) In action is FINAL.** **22) This action is non-final.** **3) In action of Calims* **4) Claim(s) 1.7.9.24 and 28-39 is/are pending in the application.** **4) Claim(s) 1.7.9.24 and 28-39 is/are pending in the application.** **4) Claim(s) 1.7.9.24 and 28-39 is/are pending in the application.** **4) Claim(s) 1.7.9.24 and 28-39 is/are pending in the application.** **5) In action of Calims* **4) Claim(s) 2.2.2.2.4.2.3.3-3.3.3 and 39 is/are rejected.** **5) In this action is objected to by the Examiner.** **5) In this action is objected to by the Examiner.** **6) In this action is objected to by the Examiner.** **10) In the data way of the principle	Office Action Summary	Examiner	Art Unit					
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WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. Estandando of time may be available under the provision of 37 GFt 1.130(b). In no event, however, may a reely the timely filed—she (SX 6) MONTHS from the mailing date of this communication. Faller to reply deceived by the Office later than three months after the mailing date of this communication. Faller to reply deceived by the Office later than three months after the mailing date of this communication, even if simely filed, may reduce any carned planet the adjustment. See 37 CFR 1.74(4). Status 1) □ Responsive to communication(s) filed on 17 June 2005. 2a) □ This action is FINAL. 2b) □ This action is finAL. 2b) □ This action is non-final. 3) □ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) □ Claim(s) 1.7.9.24 and 26.39 is/are pending in the application. 4a) Of the above claim(s) 1.7.9.19 and 32 is/are withdrawn from consideration. 5) □ Claim(s) 20.22.24.28.34.36, 38 and 39 is/are rejected. 7) □ Claim(s) 20.22.24.28.34.36, 38 and 39 is/are rejected. 7) □ Claim(s) 20.22.24.28.34.36, 38 and 39 is/are rejected. 7) □ Claim(s) 20.22.24.28.34.36, 38 and 39 is/are rejected. 7) □ Claim(s) 20.22.24.28.34.36, 38 and 39 is/are objected to . 8) □ Claim(s) 30.22.24.28.34.36, 38 and 39 is/are objected to . 8) □ Claim(s) 20.22.24.28.34.36, 38 and 39 is/are objected to . 8) □ Claim(s) 20.22.24.28.34.36, 38 and 39 is/are objected to . 9) □ The specification is objected to by the Examiner. 10 □ The drawing(s) filed on is/are: a) □ accepted or b) □ objected to by the Examiner. Application Papers 10 □ The drawing(s) filed on is/are: a) □ accepted or b) □ objected to by the Examiner. Application Papers 10 □ All b) □ Some * c) □ None of: a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). 11 □ Certified copies of the priority documents have been r								
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Application/Control Number: 10/083,453

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DETAILED ACTION

Election/Restrictions

Applicant's election without traverse of Group II in the reply filed on 6/17/05 is acknowledged.

Claims 1-7, 9-19, 32 (claim 32 originally elected in this response, but depends on a non elected claim, so is also withdrawn from consideration) withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected Group, there being no allowable generic or linking claim. Election was made without traverse in the reply filed on 6/17/05.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 20, 22, 24, 28, 34-36, 38,39 are rejected under 35 U.S.C. 102(b) as being anticipated by Coody et al (5,868,648).

Coody et al disclose a base (fig. 1), a deck having a rear portion, an opposing front portion, and an endless belt rotatably mounted thereon, said rear portion of said deck being movably mounted on said base (fig. 1), a handrail movably attached to said deck (fig. 1), said deck configured to be selectively rotated between an operational

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position in which said deck is positioned for use by a user position thereon, and a storage position in which said deck is positioned proximate to said handrail (fig. 2), a mechanism configured to vary the inclination of said deck relative to a support surface. and to move said deck between said operational position and said storage position (col. 3, lines 56-67), a motor operably coupled to an extension and to said deck, wherein said motor is configured such that moving said extension with respect to said motor changes the incline of said deck and such that continued moving of said extension with respect to said motor causes said deck to move from said operational position to said storage position (col. 3, lines 56-67), said base is capable of stably supporting the treadmill when said deck is in either said operational position or said storage position and when said deck is being repositioned therebetween (fig's 1 and 2), wherein said handrail does not extend beyond said rear end of said base (fig. 1), said mechanism is moveably attached to said deck (col. 3, lines 56-67).

Allowable Subject Matter

Claims 21, 23, 26, 27, 29, 30, 31, 33, 37 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Glenn Richman whose telephone number is 571-272-4981. The examiner can normally be reached on Mon-Thurs.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Greg Huson can be reached on 571-272-4887. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Glenn Richman Primary Examiner Art Unit 3764